

## **ATTACHMENT “C”-DRAFT PERMIT**

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**Conditional Major**  
**AIR QUALITY PERMIT**

**Permittee Name:** Polymer Partners  
(Previously named Clariant)

**Mailing Address:** 1450 Commonwealth Drive  
Henderson, Kentucky

**Source Name:** Same as above  
**Mailing Address:** Same as above

**Source Location:** Same as above

**Permit Number:** F-03-012  
**Log Number:** 54498  
**Review Type:** Operating, Conditional Major  
**KYEIS ID #:** 021-101-00125  
**SIC Code:** 3087

**Regional Office:** Division for Air Quality, Owensboro Regional Office,  
3032 Alvey Park Dr W Ste 700,  
Owensboro, KY 42303-2191  
(270) 687-7304

**County:** Henderson

**Application**  
**Complete Date:** August 28, 2002

**Issuance Date:** May XX, 2003  
**Expiration Date:** May XX, 2008

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**John S. Lyons, Director**  
**Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The Permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the Permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS,  
AND OPERATING CONDITIONS**

<b>Group Number:</b>	<b>001</b>	<b>Process room 2</b>
Process Number:	01	Dump station for CP-45 FCM
<b><u>Description:</u></b>		
Affected facility		Dump station for CP-45 FCM
Maximum capacity of the system		1000 lbs per hour
Control equipment		Two filter units w/ bank of six filters with secondary bag house control, 99.9% removal
Process Number:	02	Feed station for CP-45 FCM
<b><u>Description:</u></b>		
Affected facility		Feed station for CP-45 FCM
Maximum capacity of the system		1000 lbs per hour
Control equipment		Two filter units w/ bank of six filters with secondary bag house control, 99.9% removal
Process Number:	03	CP-45 Farrel Continuous Mixer
<b><u>Description:</u></b>		
Affected facility		CP-45 FCM
Maximum capacity of the system		1000 lbs per hour
Control equipment		Not applicable
Process Number:	04	Dump station for #6 FCM
<b><u>Description:</u></b>		
Affected facility		Dump station for #6 FCM
Maximum capacity of the system		2000 lbs per hour
Control equipment		Two filter units w/ bank of six filters with secondary bag house control, 99.9% removal
Process Number:	05	Additive station for #6 FCM
<b><u>Description:</u></b>		
Affected facility		Additive station for #6 FCM
Maximum capacity of the system		2000 lbs per hour
Control equipment		Two filter units w/ bank of six filters with secondary bag house control, 99.9% removal
Process Number:	06	Feed station for #6 FCM
<b><u>Description:</u></b>		
Affected facility		Feed station for #6 FCM
Maximum capacity of the system		2000 lbs per hour
Control equipment		Two filter units w/ bank of six filters with secondary bag house control, 99.9% removal

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS,  
AND OPERATING CONDITIONS (CONTINUED)**

Process Number:	07	#6 Farrel Continuous Mixer
<b><u>Description:</u></b>		
Affected facility		#6 FCM
Maximum capacity of the system		2000 lbs per hour
Control equipment		Not applicable
Process Number:	08	Dump station for #9 FCM
<b><u>Description:</u></b>		
Affected facility		Dump station for #9 FCM
Maximum capacity of the system		5000 lbs per hour
Control equipment		Two filter units w/ bank of six filters with secondary bag house control, 99.9% removal
Process Number:	09	Additive station for #9 FCM
<b><u>Description:</u></b>		
Affected facility		Additive station for #9 FCM
Maximum capacity of the system		5000 lbs per hour
Control equipment		Two filter units w/ bank of six filters with secondary bag house control, 99.9% removal
Process Number:	10	Feed station for #9 FCM
<b><u>Description:</u></b>		
Affected facility		Feed station for #9 FCM
Maximum capacity of the system		5000 lbs per hour
Control equipment		Two filter units w/ bank of six filters with secondary bag house control, 99.9% removal
Process Number:	11	#9 FCM
<b><u>Description:</u></b>		
Affected facility		#9 FCM
Maximum capacity of the system		5000 lbs per hour
Control equipment		Not applicable
Process Number:	12	Blending silo #1
<b><u>Description:</u></b>		
Affected facility		Blending silo #1
Maximum capacity of the system		5000 lbs per hour
Control equipment		Dacron polyester baghouse, 99.9% removal
Process Number:	13	Blending silo #2
<b><u>Description:</u></b>		
Affected facility		Blending silo #2
Maximum capacity of the system		5000 lbs per hour

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS,  
AND OPERATING CONDITIONS (CONTINUED)**

Control equipment		Dacron polyester baghouse, 99.9% removal
Process Number:	14	Schick loading hopper
<b>Description:</b>		
Affected facility		Schick loading hopper
Maximum capacity of the system		5000 lbs per hour
Control equipment		Not applicable
Process Number:	15	Finished product load station #1
<b>Description:</b>		
Affected facility		Finished product load station #1
Maximum capacity of the system		5000 lbs per hour
Control equipment		Not applicable
Process Number:	16	Finished product load station #2
<b>Description:</b>		
Affected facility		Finished product load station #2
Maximum capacity of the system		5000 lbs per hour
Control equipment		Not applicable
<b>Group Number:</b>	<b>002</b>	<b>Process room 1</b>
Process Number:	01	Dump station for line #23 FCM
<b>Description:</b>		
Affected facility		Dump station for line #23 FCM
Maximum capacity of the system		500 lbs per hour
Control equipment		Polyester felt filter bags, 99.9% removal
Process Number:	02	Feed station for line #23 FCM
<b>Description:</b>		
Affected facility		Feed station for line #23 FCM
Maximum capacity of the system		500 lbs per hour
Control equipment		Polyester felt filter bags, 99.9% removal
Process Number:	03	Line #23 FCM
<b>Description:</b>		
Affected facility		Line #23 FCM
Maximum capacity of the system		500 lbs per hour
Control equipment		Not applicable
Process Number:	04	100 cu ft ribbon blender
<b>Description:</b>		
Affected facility		100 cu ft ribbon blender

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

Maximum capacity of the system	2000 lbs per hour
Control equipment	Polyester felt filter bags, 99.9% removal
<b>Group Number:</b>	<b>003</b>
	<b>Outdoor silos</b>
Process Number:	01
<b>Description:</b>	Six outdoor silos
Affected facility	Six outdoor silos
Maximum capacity of the system	8000 lbs per hour
Control equipment	Dacron polyester baghouse, 99.9% removal
<b>Group Number:</b>	<b>004</b>
	<b>Rail car unloading</b>
Process Number:	01
<b>Description:</b>	Rail car unloading
Affected facility	Rail car unloading
Maximum capacity of the system	2500 lbs per hour
Control equipment	Dacron polyester baghouse, 99.9% removal

**APPLICABLE REGULATIONS:**

401 KAR 59:010, New Process Operations, applies to the emissions of particulate matter from the processing operations.

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to the emissions of potentially hazardous matter or toxic substances from the processing operations.

1. **Operating Limitations:** None

2. **Emission Limitations:**

- a. Total VOC emissions shall not equal or exceed 90.0 tons per year and actual HAP emissions shall not equal or exceed 9.0 tons per year of any single or 22.5 tons per year of a combination of HAPs. These annual limitations shall not be exceeded during any consecutive 12 month period for the entire source.
- b. The following emission limitations for particulate matter are pursuant to regulation 401 KAR 59:010, Section 3 (2):



**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS,  
AND OPERATING CONDITIONS (CONTINUED)**

Group Number	Process Number	Affected facility	Allowable emission rate (lb/hr)
001	01	Dump station for CP-45 FCM	2.34
001	02	Feed station for CP-45 FCM	2.34
001	03	CP-45 FCM	2.34
001	04	Dump station for #6 FCM	3.59
001	05	Additive station for #6 FCM	3.59
001	06	Feed station for #6 FCM	3.59
001	07	#6 FCM	3.59
001	08	Dump station for #9 FCM	6.34
001	09	Additive station for #9 FCM	6.34
001	10	Feed station for #9 FCM	6.34
001	11	#9 FCM	6.34
001	12	Blending silo #1	6.34
001	13	Blending silo #2	6.34
001	14	Schick loading hopper	6.34
001	15	Finished product load station #1	6.34
001	16	Finished product load station #2	6.34
002	01	Dump station for line #23 FCM	2.34
002	02	Feed station for line #23 FCM	2.34
002	03	Line #23 FCM	2.34
002	04	100 cu ft ribbon blender	3.59
003	01	Six outdoor silos	8.48
004	01	Rail car unloading	4.12

- c. Opacity of visible emissions shall not equal or exceed 20% [401 KAR 59:010, Section 3 (1)].
- d. 401 KAR 59:010 Section 3(2), for emissions from a control device or stack no person shall cause, suffer, allow or permit the emission into the open air of particulate matter (PM) from any affected facility which in excess of the quantity described below:

$$E = 3.59(P)^{0.62}$$

E = the PM emissions rate (pounds/hour)

P = the process rate (tons/hour)

**Compliance Demonstration Method:**

- The control equipment associated with the processing operations shall control emissions of particulate matter and be operated properly in accordance with

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

manufacturer's specifications and/or standard operating procedures at all times. The Permittee is required to use the control equipment associated with any of the above operations in order meet the particulate matter emission standard.

- See the specific recordkeeping for compliance with VOC and HAP annual limits.
- See monitoring requirements for opacity compliance.
- Mass Emission Standard:

Actual PM Emission Rate = [Amount of PM containing material per month] x  
Emission factor as listed in Kentucky Emissions  
Inventory) (in pounds PM/per ton of material  
processed)] ÷ [Total hours of material processed  
during the month]

- Monthly VOC and HAP emission from the above affected facilities shall be calculated and shall be used to calculate the annual emission rate:

Monthly VOC / HAP emission =  $\sum$ [Monthly usage of any VOC/HAP containing  
material in pounds or gallons per month] x  
[Emission factor as listed in Kentucky  
Emissions Inventory] x [appropriate  
conversion factor]

Annual Emission Rate = Sum of any consecutive twelve (12) months.

**3. Testing Requirements:**

- a. Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR

50:015 shall be conducted as required by the Division.

**4. Specific Monitoring Requirements :**

The Permittee shall monitor the following parameters:

- a. The Permittee shall install, calibrate, maintain, and operate according to manufacturer's specification a monitoring device for the continuous measurement of the pressure drop.
- b. The Permittee shall visually inspect the control equipment once per week. The weekly inspection shall consist of a visual inspection of the physical condition of the external unit, combined with the corresponding visual emissions observation as outlined below:  
Once per calendar day, the Permittee shall survey the processing equipment and maintain a daily log noting the following information:
  - (1) Whether any air emissions were visible from any individual process vent;
  - (2) All emission points from which visible emissions were observed;
  - (3) Whether the visible emissions were normal for the vent.

If no visible emissions are observed then no further observations are required.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- c. If visible emissions are observed during a survey, the Permittee shall perform one of the following:
  - (1) The Permittee shall perform a Method 9 reading for emission points of concern. The opacity observed shall be recorded in the daily log. The reading shall be performed by a representative of the Permittee certified in Visible Emissions Evaluations. The Permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and the date of certification; or
  - (2) The Permittee shall observe and record in the daily log the following information:
    - i. The color of the emissions;
    - ii. Whether the emissions were light or heavy;
    - iii. The total duration of the visible emission incident;
    - iv. The cause of the abnormal emissions; and
    - v. Any corrective actions taken.

**5. Specific Record Keeping Requirements:**

- a. At the end of each month, volatile organic compound (VOC), hazardous air pollutants (HAPs) and particulate matter (PM) emissions in tons shall be calculated and recorded using the emission factors in the current EIS. These monthly records shall be used to calculate annual emissions.
- b. The sum of emissions for any consecutive twelve (12) months shall be calculated and kept available at the plant site.
- c. The Permittee shall maintain a written daily log of the pressure drop and make said log available for inspection by Division personnel upon request. The log shall indicate the name or initials of the person performing the pressure drop monitoring.
- d. The records listed above, as well as purchase orders and invoices for all VOC/HAP containing materials, shall be made available for inspection upon request by duly

authorized representatives of the Division for Air Quality.

**6. Specific Reporting Requirements:**

- a. Any deviations from requirements of Section B shall be reported.
- b. The monthly VOC, individual HAP, combined HAPs and PM emissions shall be reported on a semi-annual basis.

**7. Specific Control Equipment Operating Conditions:**

- a. The pressure drop gauges on the control equipment must be inspected daily to ensure proper operation of these control devices. The pressure drop across these control devices shall be maintained in accordance with manufacturer specifications.

## **SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the Permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Pneumatic conveying system	59:010
2. Boy 22T lab molding machine used for QA/QC	63:022
3. Cook off oven	59:010

**SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. Emissions of particulate matter, VOC and HAPs as measured by methods referenced in 401 KAR 50:015, Section 1 and 40 CFR 60 Appendix A shall not exceed the respective limitations specified herein.
2. Testing shall be conducted at such times as may be required by the cabinet in accordance with the Regulations 401 KAR 59:005 Section 2(2) and 401 KAR 50:045 Section 4.
3. As required by Section 1b of the material incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
4. See Section F, Monitoring, Record Keeping, and Reporting Requirements.

**SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the Permittee shall compile records of required monitoring information that include:
  - a. Date, place (as defined in this permit), and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, records of all required monitoring data, support information (including calibrations, maintenance records, and original strip chart recordings), and reports required by the Division for Air Quality shall be retained by the Permittee for a period of five years. In accordance with Section 1a (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10 and 401 KAR 52:030 Section 3(1)(f)1a, these records shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)(f) the Permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Access and copy any records required by this permit, enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
  - b. Sample or monitor substances or parameters that affect compliance with the permit or any applicable requirements.Reasonable times include all hours of operation, normal office hours, and during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS  
(CONTINUED)**

6. The semi-annual reports are due prior to January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401KAR 50:055, Section 1 the Permittee shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. Pursuant to Section 1b V(3) and (4) of the material incorporated by reference in 401 KAR 52:030 Section 10, the Permittee shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5.
9. Pursuant to 401 KAR 52:030, Section 21, the Permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Owensboro Regional Office in accordance with the following requirements:
  - a. Identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the Permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.



**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS  
(CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

**Division for Air Quality Owensboro Regional Office,  
3032 Alvey Park Drive W., Suite 700  
Owensboro, KY 42303-2191**

**Division for Air Quality  
803 Schenkel Lane  
Frankfort, KY 40601**

10. In accordance with 401 KAR 52:030, Section 3(1)(d), the Permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission report is mailed to the Permittee. If a KYEIS emission report is not mailed to the Permittee, comply with all other emission reporting requirements in this permit.
11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.
12. The cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The Permittee shall submit to the cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
    - i. The size and location of both the original and replacement units; and
    - ii. Any resulting change in emissions;
  - b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
  - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
  - d. The replacement unit shall comply with all applicable requirements; and
  - e. The source shall notify Regional office of all shutdowns and start-ups.
  - f. Within six (6) months after installing the replacement unit, the Permittee shall:
    - i. Re-install the original unit and remove and dismantle the replacement unit; or
    - ii. Submit an application to permit the replacement unit as a permanent change.

## SECTION G - GENERAL PROVISIONS

### (a) General Compliance Requirements

1. The Permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit. [Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
2. Notification by the Permittee of a planned change or anticipated noncompliance, or filing of a request for any permit revision, reissuance, or rescission shall not stay any permit condition. [Section 1a (5) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
3. Pursuant to Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10, 401 KAR 52:030 Section 7(3), and 401 KAR 50:060 Section 2, this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The Permittee shall furnish upon request information requested by the Division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit. [Sections 1a (6) and (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

5. The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. [401 KAR 52:030 Section 7(1)]
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Section 1a (11) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
7. The Permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a (3) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Section 1a (12)(b) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
9. This permit shall be subject to suspension if the Permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6). [Section 1a (9) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
10. Nothing in this permit shall alter or affect the liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:030 Section 11(3)]
11. This permit does not convey property rights or exclusive privileges. [Section 1a (8) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
12. Issuance of this permit does not relieve the Permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield – A permit shield shall not protect the Permittee from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
  - (a) Applicable requirements that are included and specifically identified in this permit; and
  - (b) Non-applicable requirements expressly identified in this permit.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

16. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division. [401 KAR 52:030 Section 3(1)(c)]
17. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets. [401 KAR 52:030 Section 8(2)]

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:030 Section 12]

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
2. This permit is not transferable by the Permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new Permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

1. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the Permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
  - a. The date when construction commenced.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

- b. The date of start-up of the affected facilities listed in this permit.
  - c. The date when the maximum production rate specified in the permit application was achieved.
- 3. Pursuant to 401 KAR 52:030, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- 4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
- 5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the Permittee shall conduct a performance demonstration test on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. These performance tests must also be conducted in accordance with General Provisions G(d)6 of this permit and the Permittee must furnish to the Division for Air Quality's Frankfort Central Office a written report of the results of such performance test
- 6. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.
- 7. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the Permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.
- 8. Pursuant to Section VII 1.(2 and 3) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), if a demonstration of compliance, through performance testing was made at a production rate less than the maximum specified in the application form, then the Permittee is only authorized to operate at a rate that is not greater than 110% of the rate demonstrated during performance testing. If and when the facility is capable of operation at the rate specified in the application, compliance must be

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

demonstrated at the new production rate if required by the Division.

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the Permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the Permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - d. The Permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:030 Section 23(3)]
4. In an enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:030 Section 23(2)]

(g) Risk Management Provisions

1. The Permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the Permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

**RMP Reporting Center  
P.O. Box 3346  
Merrifield, VA, 22116-3346**

2. If requested, submit additional relevant information by the Division or the U.S. EPA.
- (h) Ozone depleting substances
  1. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
    - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
    - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
    - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
    - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
    - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
    - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
  2. If the Permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

None

**SECTION I - COMPLIANCE SCHEDULE**

None